

W. S. CARPENTER.

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FEBRUARY 14, 1910.—Ordered to be printed.

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Mr. TIRRELL, from the Committee on Claims, submitted the following

### ADVERSE REPORT.

[To accompany H. R. 828.]

The Committee on Claims, to whom was referred the bill (H. R. 828) for the relief of W. S. Carpenter, having considered the same, report thereon with a recommendation that it do not pass.

Mr. Carpenter was appointed May 19, 1882, a clerk in the Railway Mail Service. His claim is based upon the assumption that during his absence his duties were performed by one C. O. Jones, under an agreement with the latter, who was a clerk in the Railway Mail Service and receiving pay as such from the Government. The agreement was not in compliance with regulations governing the service.

The Post-Office Department, under date of January 31, 1910, recommends adverse action on the claim.

The report of the department is hereto attached and made a part of the report.

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POST-OFFICE DEPARTMENT,  
OFFICE OF THE POSTMASTER-GENERAL,  
*Washington, D. C., January 31, 1910.*

MY DEAR SIR: Receipt is acknowledged of your letter of January 24, 1910, forwarding copy of bill (H. R. 828) providing for the payment to W. S. Carpenter, late employee in the Railway Mail Service, of \$104.41, stated to be due as salary for service performed as clerk from October 3 to November 20, 1882, and requesting an opinion touching the merit of the claim.

In reply I have to state that this is the fifth time that a bill has been introduced for the relief of Mr. Carpenter, similar measures having been introduced in the Fiftieth Congress (H. R. 2088), Fifty-sixth Congress (H. R. 10004), Fifty-ninth Congress (H. R. 2096), and Sixtieth Congress (H. R. 1681).

The case of Mr. Carpenter has again been carefully reviewed. The claim is based upon the assumption that during the absence of Mr. Carpenter his duties were performed by one C. O. Jones under an agreement with the latter, but C. O. Jones was already a clerk in the Railway Mail Service and receiving pay as such from the Government. While it is true that in case of sickness a railway postal clerk was at that time allowed to make an agreement with an associate upon the run to perform his duties under certain regulations (but never without the written permission of the division superintendent, Railway Mail Service, after an agreement with his associate

had been made in writing, signed by both parties, and filed with the division superintendent), there was in this case no pretense of complying with such regulation.

At the same time the regulations provided that for each failure to perform service one day's pay should be deducted until the matter was reported upon by the division superintendent and instructions received from the Second Assistant Postmaster-General.

Carpenter was appointed May 19, 1882. Under date of November 4, 1882, the then chief clerk, Railway Mail Service, Peoria, Ill., under whose immediate supervision Mr. Carpenter performed service, advised the then superintendent of the sixth division that Mr. Carpenter had been ordered for examination in the early part of October and had failed to report; that two or three days after that date he had received a letter from Mr. Carpenter stating that he was about to resign and would forward his resignation within a week. He had actually performed service but two days in the month of October, namely, the first and second; he had left the run and informed his associate clerk, Jones, that he would not return as promised, and requested him to keep up the run. Jones did this. The chief clerk further says, "I understand, but can not give it as a fact, that Carpenter does not intend to resign at present. What his intentions are I can not predict. The case looks so bad that I have advised the postmaster at Springfield, Ill., to hold Carpenter's October pay until he is further advised regarding the matter."

Upon November 6, 1882, the superintendent of the sixth division referred this communication to the general superintendent, Railway Mail Service, stating that Mr. Carpenter had not been a success and recommending his retirement. This recommendation not being promptly acted upon, the chief clerk of the line again addressed his superintendent under date of November 16, 1882, reviewing his previous letter, and stating that Mr. Carpenter had not resumed duty and that he had no leave of absence, either verbally or otherwise. He added further, "What his motives are in conducting himself in this manner I can not imagine. I have written him on the subject, but can not hear from him. When in Springfield the 3d instant, I requested the postmaster there not to pay Carpenter for October until he received notice to do so. I then notified you of the facts in the matter. I would respectfully recommend that Carpenter be relieved from duty and a successor appointed. He is of no account at the best and should be removed. I would also recommend that he be paid for but two days' run in the month of October."

The foregoing was also referred to the department and considerable correspondence ensued as to what disposition should be made of the case, when a decision was finally made by the then general superintendent that Carpenter was entitled to but two days in October, namely, the first and second, as he had performed no service, either himself or by substitute, during the remainder of the month. Furthermore, an order was issued under date of November 20, 1882, for Mr. Carpenter's retirement, the date thereof not being stated in the order, but, under the practice of the Railway-Mail Service, Mr. Carpenter's account was closed out by a certificate showing his last service under date of October 2, 1882.

Later it was ascertained that the postmaster at Springfield had tendered Mr. Carpenter pay for the first two days in October, but that he had declined to receive it on the ground that he was entitled to payment until a later date. He had already received pay up to and including September 30, 1882.

It is very evident that Mr. Carpenter having performed no service was not entitled to compensation after October 2, 1882. There is no claim that his subsequent absence was on account of illness. There was no excuse shown for his not having complied with the regulations. Mr. Carpenter did not earn the money claimed, nor was it earned for him. It can not be claimed that pay was due for the extra service performed by Clerk Jones, as there is no evidence of there having been an arrangement between Jones and Carpenter which was approved by the officials of the Railway Mail Service under the regulations then in force. A careful review of all the correspondence indicates clearly that there is no merit in the claim of Mr. Carpenter, and an adverse recommendation is therefore made upon the case.

Yours, very truly,

F. H. HITCHCOCK, *Postmaster-General.*

HON. GEORGE W. PRINCE,  
*Chairman Committee on Claims,  
House of Representatives.*